

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL VICKERS, *et al.*,

Plaintiffs,

Case No. 19-12250

Hon. Matthew F. Leitman

v.

MT MORRIS TOWNSHIP, *et al.*,

Defendants.

**ORDER DIRECTING PLAINTIFFS
TO FILE A FIRST AMENDED COMPLAINT**

On July 31, 2019, Plaintiffs Michael Vickers and Mary Wilson (appearing on behalf of her son J.V.), filed this civil-rights action pursuant to 42 U.S.C. § 1983. (*See* Compl., ECF No. 1.) Vickers and Wilson also filed applications to proceed *in forma pauperis* (the “First IFP Applications”). (*See* First IFP Applications, ECF Nos. 2, 4.) At the time Vickers and Wilson filed their Complaint, J.V. was a minor.

On November 13, 2019, the Court entered an order in which it (1) denied the First IFP Applications without prejudice, (2) granted Vickers leave to file an amended *in forma pauperis* application, and (3) directed J.V. to obtain counsel. (*See* Order, ECF No. 6.) In that order, the Court explained that “parents cannot appear *pro se* on behalf of their minor children because a minor’s personal cause of action is her own and does not belong to her parent or representative.” *Shepherd v.*

Wellman, 313 F.3d 963, 970–71 (6th Cir. 2002). *See also Thompson v. Mohammed*, 2013 WL 4747537, at *1 (E.D. Mich. Sept. 4, 2013) (“The law is well settled that a parent may not represent the interests of a minor child *pro se* because a minor’s personal cause of action is her own”). The Court therefore held that Wilson could not appear *pro se* on her minor son’s behalf. (*See* Order, ECF No. 6.) The Court then instructed Vickers and Wilson that if J.V. wished to assert claims in this action, he needed to obtain counsel. (*See id.*)

In response to the Court’s order, both Vickers and J.V. filed new applications to proceed *in forma pauperis* (the “Second IFP Applications”). (*See* Second IFP Applications, ECF No. 8.) Wilson also filed a motion to remove herself as J.V.’s guardian for purposes of this action so he could proceed on his own behalf. (*See* Mot., ECF No. 7.)

After receiving Wilson’s motion, the Court scheduled an in-person status conference to take place in the Detroit courthouse on March 2, 2020. (*See* Notice to Appear, ECF No. 9.) The purpose of the conference was to discuss Wilson’s motion and the Court’s order that J.V. retain counsel. But the status conference did not take place after Vickers asked the Court to hold the conference in its Flint courthouse instead of the Detroit courthouse. (*See* Ltr., ECF No. 10.) The Court was not able to reschedule the in-person conference due to the ongoing COVID-19 pandemic.

The Court thereafter denied Wilson's motion without prejudice (*see* Order, ECF No. 11) and scheduled a telephonic status conference with both Vickers and Wilson. (*See* Notice to Appear, ECF No. 12.) The Court held that telephonic status conference on March 22, 2021. (*See id.*) During the conference, Vickers and Wilson informed the Court that J.V. is no longer a minor and wants to proceed with his claims in this action. Wilson also informed the Court that she did not have any claims that she wished to raise on her own behalf.

Accordingly, for the reasons explained during the status conference, **IT IS HEREBY ORDERED** as follows:

- Vickers and J.V. shall file a First Amended Complaint in this action by no later than **May 3, 2021**. Because J.V. is no longer a minor, he may appear under his own name and represent himself in this action if he so chooses. The First Amended Complaint shall state all of the claims that Vickers and J.V. intend to bring against the Defendants and include sufficient factual allegations to support those claims. Given Wilson's indication that she does not intend to bring any claims on her own behalf, she shall not be named as a Plaintiff in the First Amended Complaint. Once Vickers and J.V. file their First Amended Complaint, the Court will terminate Ms. Wilson as a party in this action.

- After Vickers and J.V. file the First Amended Complaint, the Court will enter an order granting the Second IFP Applications. Vickers and J.V. do not need to file new *in forma pauperis* applications with the Court.
- At the same time that the Court grants the Second IFP Applications, it will enter an order titled “Order Directing Plaintiffs to Complete Service Documents and for Service of Process by the U.S. Marshal.” Once Vickers and J.V. receive that order, they shall provide the documents identified in that order to the Clerk of the Court. Once those documents are received by the Clerk of the Court, the U.S. Marshal will serve the First Amended Complaint on the Defendants.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 22, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 22, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-97640